

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

22-cr-590 (PKC)

-against-

ORDER

OKAMI LANDA,

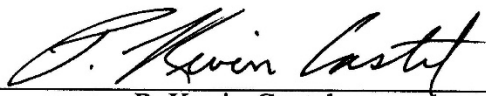
Defendant.

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CASTEL, U.S.D.J.

Defendant Landa presently has an appeal pending from a sentence of principally 120 months for possession of child pornography. Landa and his parent, Consuelo Gines, seek the return of property seized by the government and forfeited by Landa, specifically a USB Flash Drive, video camera, typewriter, apple tablet, multiple cell phones, and the monetary value of a laptop pursuant to Rule 41(g), Fed. R. Crim. P. The government has claimed a legitimate need to retain the seized property because of the possibility of Landa's success on appeal, necessitating a retrial, or a section 2255 motion. (See May 22, 2024 request for section 2255 motion form by Consuelo Gines.) See Allen v. Grist Mill Cap. LLC, 88 F.4th 383, 397-98 (2d Cir. 2023).

The application is DENIED without prejudice to renewal one year and a day after the conviction becomes final within the meaning of 28 U.S.C. § 2255(f)(1).

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
July 10, 2024

COPY MAILED TO:

Consuelo Gines
780 Grand Concourse Apartment 6J
Bronx, NY 10451